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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,915	12/19/2001	Nigel Victor Spurr	60,130-1295	5612

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,915

Applicant(s)

SPURR, NIGEL VICTOR

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 28 and 30-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of Applicant's submission of:

Pre-Amendment C filed on 11/20/03

The aforementioned item has been noted and officially inserted into the application.

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). For the purpose of examination, the claims have been renumbered with a "+1" formula. Therefore, claim 0 becomes claim 1, and claim 1 becomes claim 2.

Appropriate correction is required.

2. Claim 24 is objected to because of the following informalities: Grammatical Error in line 4. Appropriate correction is required. The phrase "along said path into mis-aligned" requires correction.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

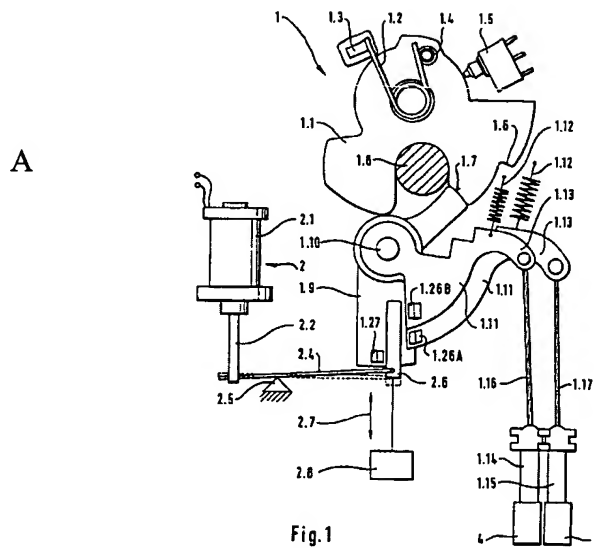
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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5-27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wegner (U.S. Patent No. 6,116,664). Wegner discloses a latch arrangement as claimed; wherein said arrangement includes a latch, a release mechanism, a manually actuatable element (3/4), and a control means (10), the latch being operable to releasably retain a striker (1.8) in use, the release mechanism being capable of being moved by manually actuatable element from a rest position through an unlocked position to a release position wherein it unlatches the latch, the control means (10) having a locked condition at which actuation of the manually actuatable element does not cause unlatching and an unlocked condition at which during an initial movement of the manually actuatable element, the release mechanism achieves the unlocked position and during subsequent movement of the manually actuatable element, the release mechanism achieves the release position, the release mechanism comprising a release link (1.11) having an abutment (A below) operable to move a latch release element (1.27), movement of the release mechanism with the control means in the unlocked condition causes the abutment to move in a first path (i.e., until contact is made with member 2.6), and movement of the release mechanism with the control means in the locked condition causes the abutment to move in a second path (i.e., after contact is made), differing from the first path, in which the first path passes through a rest position of the latch release element and at the second path does not pass through the rest position of the latch release element, see fig. 1.

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In regards to claim 3, when Wegner's control means is in the locked position actuation of the manually actuable element moves the abutment, but the abutment does not move the latch release element, see col. 4, lines 56-62. For the purposes of clarification, the abutment is brought into alignment with the release element but the lock/unlock lever (2.6) moves the release element. As it concerns claim 5, Wegner's release link (1.11) is operably movable by release lever, see Fig. 1. In regards to claim 6, Wegner discloses a part (2.6) of the release mechanism that is retained in a rest position by the control means to provide for a locked condition, see col. 4, lines 57-62. As it concerns claims 7 and 21, part (2.6) of the release mechanism is retained by magnetic attraction created by electromagnet (2.1). In regards to claim 8, as shown in Fig. 1, said part (2.6) is retained by a control pawl (2.4). In regards to claim 9, said part (2.6) is a lock/unlock lever which is retained in a first position when the control means is in its locked condition and is allowed to be moved to a second position when the control means is in its unlocked position, see ghost lines in Fig. 1. Regarding claim 10, Wegner's release mechanism is

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designed such that the lock/unlock lever is connected to the release link by a connector (1.16/1.17). As it concerns claim 11, the lock/unlock lever, connector and release link substantially move in unison during said initial movement of the manually actuable element, see col. 4, lines 46-56. Regarding claim 12, the lock/unlock lever (2.6), connector, and release link rotate about a pivot (1.10) during said initial movement. As it concerns claim 13, Wegner's pivot (1.10) mounts the lock/unlock lever on a chassis of the arrangement. . As it concerns claim 14, the lock/unlock lever remains stationary during subsequent movement of the manually actuable element (i.e., after stops (1.26A and 127) come in contact via lock/unlock lever (2.6)). Regarding claims 15-17, Wegner's release mechanism is designed to return to the rest position from the release position upon release of the manually actuable element via springs (1.12), see col. 3, lines 24-25. As it concerns claim 18, Wegner's latch is further movable between a latched and released position by a powered released actuator, see col. 3, lines 48-50. In regards to claim 19, Wegner's control means is movable between the locked and unlocked conditions by manual operation of a coded security device (10.13). As it concerns claim 20, as shown in Figure 1, the abutment (A) moves generally arcuately around the pivot (1.10) and during subsequent movement, the abutment moves generally linearly so that the release mechanism achieves the release position. In regards to claim 22, Wegner discloses a latch for a vehicle door comprising a manually actuable element (3/4); a release mechanism movable by the manually actuable element from rest position through an unlocked position to a release position where it unlatches the latch, said release mechanism comprises a release link (1.11) having an abutment (A) movable along first and second different paths and operable to move between aligned and mis-aligned positions with a latch release element; and a control

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means (10) having a locked condition at which actuation of said manually actuatable element moves said abutment along the second path and does not cause unlatching of said latch and an unlocked condition where initial movement of said manually actuatable element causes said abutment of said release link to align with the release element such that during subsequent movement of said manually actuatable element, said release mechanism, moved to said release position. In regards to claim 23, see lock arm (1.9) which pivots about the pivot (1.10). As it concerns claim 24, Wegner's release link (1.11) is movable along said first path into alignment with said release element (1.27) with said lock arm pivotal about said first pivot, and movable in along a second path into mis-aligned with said release element when said lock arm is fixed, see Fig. 1. As it concerns claims 25 and 26, see magnet (2.1) and pawl (generally 1.7). In regards to claim 27, see biasing member (1.12) biasing said release mechanism towards said rest position. As it concerns claim 29, Wegner's first path includes an arcuate portion and a liner portion parallel to movement of said release element.

Allowable Subject Matter

5. Claims 28 and 30-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Claims 28 and 30-35 are allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including a

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locking arrangement having an abutment that moves in a first path and then moves in a second path, wherein said second path is transverse to the first path.

Response to Arguments

7. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive. The Applicant contends that Wegner's abutment is only capable of moving in a single arcuate path. The Examiner respectfully disagrees. Wegner's abutment moves in a generally circular path until it makes contact with member (2.6). At that point it moves through a rest position and remains at rest until it begins moving on a second, generally linear path. Therefore, the Examiner asserts that the Wegner reference discloses the present invention within the meaning of the Applicant's claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

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DNM

A handwritten signature in black ink, appearing to read "Robert J. Sandy", with a long, sweeping flourish extending to the right.

ROBERT J. SANDY
PRIMARY EXAMINER